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LEGAL ASSISTANT
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December 28, 2011

By ECF & Hand

The Honorable Kiyo A. Matsumoto
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Neil Messina, et al.
11 Cr. 31 (KAM)

Dear Judge Matsumoto:

This letter is to request that defendant Neil Messina's bail conditions be modified as follows:

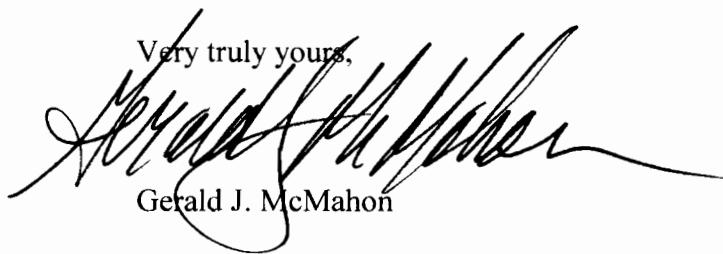
1. to allow him to visit his mother at Lutheran Hospital in Brooklyn, New York on the following four Thursday, December 29, January 5, 12, 19, 2011 from 10:30 a.m. to 4:30 p.m. (including travel time); the request is made for four Thursdays to avoid burdening the Court, Pretrial Services and counsel with unnecessary and duplicative letters; the government, by Assistant United States Attorney Elizabeth Geddes, consents to this Thursday, December 29th, but not to the following three Thursdays; I have been unable to reach Pretrial Services Officer Leo Barrios, who supervises Mr. Messina, but he has previously advised the undersigned and defendant that he would never object to defendant visiting his elderly and increasingly-ill mother in the hospital; and

2. to allow him to spend New Year's Eve with his girlfriend (and suretor) Michele Capasso, and her son, Carmangelo, from 7 p.m. to 1:30 a.m. (including travel time), at her home located at 15 Harbor Pointe Drive, Haverstraw, New York; as stated above, I have been unable to contact PTS Officer Leo Barrios to obtain his consent to this request, but note that he consented to Mr. Messina spending Christmas Eve with his family at his brother's home in

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Colts Neck, New Jersey; the government, by AUSA Geddes, does not consent to this request.

Very truly yours,

Gerald J. McMahon

GJM:cw
cc: Elizabeth Geddes, Esq.
EDNY Monitoring Unit
SDNY PTS Officer Leo Barrios
(By email)

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